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8 UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA
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11 Darren Gilbert,

12 Plaintiff,

13 v.

14 Doctor's Choice Modesto LLC, et al.,

15 Defendants.
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No. 1:21-cv-00690-KJM-JDP

ORDER

17 Plaintiff Darren Gilbert filed this civil rights action seeking relief under the Americans
18 with Disabilities Act of 1990, 42 U.S.C. §§ 12101, *et seq.* (ADA), California's Unruh Civil
19 Rights Act, Cal. Civ. Code §§ 51 *et seq.*, and violations of California Health and Safety Code
20 § 19955(a). *See generally* Second Am. Compl, ECF No. 70. Specifically, plaintiff sought
21 injunctive relief, damages, attorneys' fees and costs. *Id.* The court subsequently declined to
22 exercise supplemental jurisdiction over the state law claims and dismissed those claims with
23 prejudice. *See* Prior Order (Apr. 21, 2023), ECF No. 119. Only the ADA claim remains.

24 Plaintiff's counsel recently filed a declaration informing the court plaintiff and plaintiff's
25 wife passed away. *See* Decl. ¶ 2, ECF No. 157. As plaintiff's counsel concedes, *see id.* ¶ 3,
26 injunctive relief is the only remedy available to a private litigant under Title III of the ADA. *See*
27 *Wander v. Kaus*, 304 F.3d 856, 858 (9th Cir. 2002). Plaintiff's death renders his ADA claim
28 moot thereby depriving this court of subject matter jurisdiction. *See, e.g., Gilbert v. De Aranjah*

1 *Inc.*, No. 22-00994, 2024 WL 3673528, at *1 (E.D. Cal. Aug. 5, 2024) (finding the same).

2 Having determined subject matter is lacking, the court dismisses this action without prejudice and
3 directs the Clerk of Court to close this case. *See* Fed. R. Civ. P. 12(h)(3).

4 IT IS SO ORDERED.

5 DATED: October 3, 2024.

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7 UNITED STATES DISTRICT JUDGE